



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/662,932

09/15/2003

Syed Mohammad Amir Husain

5602-11600

2035

7590  
Jeffrey C. Hood  
Meyertons, Hood, Kivlin, Kowert & Goetzel  
P.O. Box 398  
Austin, TX 78767

12/08/2008

EXAMINER

ZHE, MENG YAO

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/662,932	<b>Applicant(s)</b> HUSAIN ET AL.	
	<b>Examiner</b> MENGYAO ZHE	<b>Art Unit</b> 2195	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: none.
- Claim(s) objected to: none.
- Claim(s) rejected: 1-21.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☒ Other: See Continuation Sheet.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

Continuation of 13. Other: The applicant argued that:

i) Lowry does not teach instructions for performing a task are sent from a first computer system to a plurality of systems, instead, only one application may request a service provided by another application.

ii) Ferguson does not teach executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems.

The Examiner respectfully disagree with the applicant. As to point:

i) Lowry does teach that API calls are used by a system to communicate with multiple systems (Column 1, lines 40-47; Column 2, lines 64-66). Therefore, a system can communicate to a plurality of systems via API calls, where the calls correspond to instructions for performing a task, since specifically the task could be the handling of the WordPerfect format (Column 3, lines 38-45). The applicant merely claimed for instructions for performing a task, therefore, a call to handle a format can be interpreted as instructions for performing a task, where instructions are the calls and the task is the handling. For example, one might use API calls to send an instruction or request saying: "open this file", even though the instruction itself cannot itself open this file, it is nevertheless an instruction for the task of opening this file. Furthermore, Lowry discloses that multiple systems can subscribe to an event, so that when an event or request is received by one system, it is sent to multiple remote systems (Column 5, lines 55-60; Column 6, lines 10-17). Even though the remote system has its own handler handling the event, the event, nonetheless, corresponds to an instruction for performing a task since it is the event that initializes or triggers other system handler responses, which are all essential steps in performing a task. The event is essentially a notification instruction saying "process request X somehow", which is sent to other systems. However the other systems wish to process the event is up to those systems, but without the instruction of "now, process request X", the other systems would not know to handle the request. Therefore, the event or request is part of the instructions for performing a task.

The Examiner already admitted to the fact that Lowry does not specifically teach task comprising of a plurality of subtasks. This is to be taught by Ferguson.

ii) Ferguson teaches that different application may be present on each system, such as video viewing, electronic programming, etc in state two of the system (Column 3, lines 19-25; Column 8, lines 6-15). Even if, as the applicant argued, that in state one, all applications are the same, there are still a plurality of applications, regardless of whether they are the same application or not, that are being employed on multiple computers to execute subtasks (Column 3, lines 23-25). Furthermore, as for the record, Lowry does teach a plurality of applications executing on a plurality of computers (Column 1, lines 28-35; Column 3, lines 27-35, lines 50-55).